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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,147

Applicant(s)

SHAMRAKOV, ANATOLE

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7,9,14-17,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7,9,14-17,19,21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3 8,10-13, 18, 20, has been cancelled and claims 4-7, 9, 14-17, 19, remained pending and claims 21-22 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-7, 9, 14-17, 19, 21-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Esposito et al (Hereinafter Esposito U.S. 6, 587, 838).

As per claim 4, Esposito discloses wherein second resource planning process comprises a process of an Enterprise Resource Planning application (ERP). (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 5, Esposito discloses wherein said first shopping process of a WebSphere Commerce Suite of application. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 6, Esposito discloses including the step of: executing an application for a banking transaction process on the data center host computer system. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 7, Esposito discloses wherein said second resource planning process a process of an SAP ERP application. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

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As per claim 9, Esposito discloses wherein said second integration process comprises a process of an Mq Series of applications. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 14, Esposito discloses wherein the second resource planning process comprises a process of an Enterprise Resource Planning (ERP) application.

As per claim 15, Esposito discloses wherein said first shopping process of a WebSphere Commerce Suite of applications. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 16, Esposito discloses including the step of: executing an application for a banking transaction process on the data center host computer system

As per claim 17, Esposito discloses wherein said second resource planning process a process of an SAP ERP application . (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 19, Esposito discloses Wherein said second integration process comprises a process of an MQ Series of applications. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 21, Esposito discloses a method for owing hosting services, comprising the steps of;

a) hosting a plurality of applications on a host computer system at a data center, wherein hosting the applications includes:

executing an application for a first shopping process on the data center host computer system, the first shopping process being accessible to shoppers by Internet communications wherein the first shopping process performs the step of a first hosting service step, the first hosting service step including (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62) communicating with a first integration process and a first resource planning process via Internet communications to transact first sales, wherein

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the first resource planning process is a process of a first resource planning application on a host computer system located remotely from the data center and the first integration process is a process of a first integration application on a host computer system located remotely from the data center(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) executing an application for a second resource planning process on the data center host computer system, wherein the second resource planning process performs the step of

a second hosting service step, the second hosting service step including: communicating with a production process via Internet or dedicated link communications, wherein the production process is a process of a second production application on a host computer located remotely from the data center(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) and executing an application for a second integration process on the data center host computer system, wherein the second integration process performs the steps of

a third hosting service step, the third hosting service step including: coupling communications between the fuel shopping process and the second resource planning process to transact second sales;

a fourth hosting service step, the fourth hosting service step including: coupling communications between the second resource planning process and a second shopping process, wherein the second shopping process is a process of a second shopping application accessible to shoppers by Internet communications on a host computer located remotely from the data center, the communications between the second resource planning process and the second shopping process being Internet communications to transact third sales(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) a fifth hosting service step, the fifth hosting step including:

coupling communications between first shopping process and a third resource planning process to transact fourth sales, wherein the third resource planning process

is a process of a third resource planning application on a host computer located remotely from the data center;

and a sixth hosting service step, the sixth hosting service step including:

coupling communications between a certain process and a third shopping process,

wherein the third shopping process is a process of a third shopping application

accessible to shoppers by Internet communications on a host computer located

remotely from the data center and the certain process is a process of a certain

application on a host computer located remotely from the data center(see column 2

lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33

and column 10 lines 17-62) and b) offering to customers a selection of boating services,

wherein the customers may select for the host computer system to perform one or more

of the first, second third, fourth, fifth and sixth hosting service steps. (see column 2 lines

4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and

column 10 lines 17-62).

As per claim 22, Esposito discloses a hosting system comprising:

a host computer system at a data center hosting a plurality of applications, the applications including:

a first application stored on the hosting system and operable as a first shopping process executing on the host computer system, the first shopping process being accessible to

shoppers by Internet communications, the first shopping process further being operable

to perform a first hosting service step, wherein the first hosting service step includes(see

column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8

lines 1-33 and column 10 lines 17-62) communicating with a first integration process and

a first resource planning process via Internet communications to transact first sales,

wherein the first resource planning process is a process of a resource planning

application on a host computer system located remotely from the data center and the

first integration process is a process of a first integration application on a host computer

system located remotely from the data center, a second application stored on the

hosting system and operable as a second resource planning process executing on the

host computer system, the second resource planning process further being operable to

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perform a second hosting service step(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62)

wherein the second hosting service step includes:

communicating with a production process via Internet or dedicated link

communications, wherein the production process is a process of a second production application on a host computer located remotely from the data center(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) and a third application stored on the hosting system and operable as a second integration process executing on the host computer system, the second integration process further being operable to perform a number of hosting service steps including:

a third hosting service step including:

coupling communications between the first shopping process and the second resource planning process to transact second sales(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62)

a fourth hosting service, step including:

coupling communications between the second resource planning process and a second shopping process, wherein the second shopping process is a process of a second shopping application accessible to shoppers by internet communications on a host computer located remotely from the data center, the communications between the second resource planning process and the second shopping process being internet communications to transact third sales(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62)

a fifth hosting service step including:

coupling communications between the first shopping process and a third resource planning process to transact fourth sales, wherein the third resource planning process is a process of a third resource planning application on a host computer located remotely from the data center;

a sixth hosting service step including:

coupling communications between a certain process and a third shopping process. wherein the third shopping process is a process of a third shopping application accessible to shoppers by Internet communications on a host computer located remotely from the data center and the certain process is a process of a certain application on a host computer located remotely from the data center(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62) wherein the host computer system is operable to offer to customers a selection of hosting services, such that the customers may select for the host computer system to perform one or more of the first, second third, fourth, fifth and sixth hosting service steps. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

Conclusion

RESPONSE TO ARGUMENTS

4. In response to Applicant's argument as it pertains to Esposito.
5. In response to Applicant's argument that prior art fail to teach or suggest" an integration process on a host computer system for coupling a shopping process and a resource planning process on a host computer system or offering selections in which processes on remote hosts are integrated with processes hosted on a central host and other service offering selections in which corresponding processes on the central host are both hosted and integrated" The examiner disagrees with Applicant's because the limitations were addressed as stated.

Esposito teaches FIG. 4 depicts a flowchart of simplified steps in a representative embodiment according to the present invention for providing real time notification to vendors. In a step 410, a user at one of the plurality of client computers is presented with a plurality of product options and services from which to make a selection. Then, in a step 412, responsive to user input indicating a particular product from a menu, the user is provided product information, including photographs, retrieved from the product database 120. In a step 414, a product selection and user specific information, including geographic information, is received from the user. In a step 416, a purchase request is transmitted to the vendor computer over the public packet switched communications

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network. Then, in a step 418, the purchase request is analyzed by the vendor computer to determine the product and proximity information of the user. Incoming information is examined to determine proximity information such as the area code or postal code of the user. This information determines which wireless service provider region and terminal accounts can be selected to receive vendor notification. In a step 420, based upon the proximity information, a plurality of vendors is selected from the product database 120, each of the vendors being in close proximity to the user. In a step 422, a wireless region and account information associated with each of the plurality of selected vendors is determined. Next, in a step 424, information about the user is recorded in the customer database 122. In a step 426, vendor notification message 50 is transmitted to each of the selected vendors via the wireless network 108, based upon the wireless region and account information. Message 50 is converted to Network Paging Protocol and transmitted via a wireless service provider. Then, in a step 428, a confirmation message is sent over the public packet switched network to the user in order to confirm that a merchant will contact the user in order to complete a commercial transaction in the product or service of interest. see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62.

Therefore it is inherently clear that Applicant's claim limitations were taught within the teachings of Esposito.

6. With respect to Applicant's argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977F. 2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir. 1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner

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respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 14, 2006


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628